

Juvenile Court Services Presentation to the Iowa Council on Human Services

July 10, 2019, 11:10 AM

The Juvenile Justice Reform and State Courts Initiative (JJRSCI) project is intended to complement, build upon, and enhance juvenile justice reform efforts identified in the strategic plans developed by states participating in the regional juvenile justice reform summits funded by the MacArthur Foundation and the NCSC.

The **Family's First Prevention Services Act of 2018** promises historic reforms to the child welfare system in the United States hoping to achieve better outcomes for vulnerable children. As with most states, Iowa is currently engaged in trying to interpret the impact of the various parts of this legislation.

Several intersecting factors from federal legislation to state initiatives have necessitated the need to revisit Iowa's state plan for juvenile justice. Juvenile Court Services has applied for and received funds from the National Center for State Courts through which technical assistance through the University of Cincinnati Corrections Institute will be provided to assist the state of Iowa in assessing the impact of the Family's First Prevention Services Act on Iowa's statewide plan for juvenile justice and formulate needed revisions to the statewide plan to achieve the best outcomes for juvenile justice system involved youth through research based best practices and evidence based services.

For decades, Iowa has used the various provisions of federal Title 4E funding in both the child welfare and juvenile justice systems. As the Iowa Department of Human Services examines the potential impact of applying this legislation in the child welfare system, Iowa's Juvenile court Services and Iowa's Judicial Branch is about to do the same for its courts and juvenile justice system. The Iowa Department of Human Services is consulting with the Annie Casey Foundation to assist in planning necessary adjustments to the state plan for child welfare. As noted above, Juvenile Court Services is collaborating with the University of Cincinnati Corrections institute to contribute to the development of a state plan for juvenile justice.

Under the current Iowa law, service dollars for youth involved in the juvenile justice system are embedded in the appropriations bill for the Iowa Department of Human Services. These **state funds**, commonly referred to as **Graduated Sanctions** funds, currently total around \$15.3 million. They are divided between the judicial districts by child population and are used for preventative community based services for juvenile justice involved youth. Graduated Sanctions funds are governed by rulemaking within the Iowa Department of Human Services administrative rules.

Juvenile Court Services also shares, as a part of the current state plan, DHS appropriated funds **for foster care, shelter care, group/residential care, supervised apartment living and other aftercare service funding**. All youth in placement are covered medically through Iowa Title 19 funds also administered through the Iowa Department of Human Services.

Although detention centers in Iowa are primarily funded through the counties, there is a \$4 million state allocation for detention centers that is administered through the Iowa Department of Human Services. These funds are generated through fines for driving while intoxicated cases in Iowa.

The Family First prevention Services Act has several parts. Part 1 – Prevention Activities under Title 4E deals with the types of prevention services that Title 4E funds can be used for and who is eligible for those funds. This part requires that each state, who wishes to have federal financial participation funds, identify as a part of its state plan for children, those children/youth who are at imminent risk of entering foster care, but who can safely remain in the community. These children/youth are deemed “candidates for care” through an assessment process that has been selected by the state and approved by federal Title 4E authorities. The

state is then eligible to draw down federal funds if at least 50% of all prevention services in the state are considered to be well-supported practices. If this threshold is met, then the state can draw down 50% of the cost of prevention services for an initial period of 12 months. These services are for mental health, substance abuse and other prevention services and must be trauma informed. It should be noted that all candidates for care are eligible for care regardless of the family's income.

In order to receive prevention services and programs, each candidate for foster care must have a written prevention plan that specifies the need for services for or on behalf of the child. This plan must identify the strategy for the child to remain safely out of foster care and list the services or programs needed for the child.

Part IV of the Family First Prevention Services Act seeks to ensure the necessity of a placement that is not in a family foster home. Basically, this part limits the federal financial participation for youth in congregate/group care. This portion of the act hopes to take steps to safely reduce the inappropriate use of this level of care. At this level of care eligibility is established based on the family's financial resources.

If attempts to treat the youth as a candidate for care in the community are unsuccessful and the youth needs to be placed in a group care facility the federal financial participation is limited to group care facilities found to be **Qualified Residential Treatment Programs (Q RTP)**. Within 30 days of the youth being placed in a Q RTP setting, a qualified individual must assess the child's strengths and needs using age-appropriate, evidence-based, validated, functional assessment tools. The qualified individual will also need to develop a list of child specific short and long-term mental and behavioral health goals. If the assessment is not completed in the first 30 days of the child's placement in a qualified setting the state can no longer receive federal reimbursement for foster care maintenance payments for the child while they are in placement. The qualified individual must conduct the assessment in conjunction with the child's family and permanency team. This team may include parents, relatives, fictive kin, appropriate professionals such as teachers, medical and mental health providers, clergy or other people familiar with the child.

If it is determined by the court that a Q RTP placement is not appropriate then the state has an additional 30 days from the time of that determination to transition the child down to another placement, or step the child up to a facility that can better address the child's needs. States will be reimbursed at the federal financial participation rate during this 30 day period, but states will have to pay the full cost for the child beyond most 30 days.

It is at this decision making point, that the goals and treatment objectives/methods between child welfare youth and juvenile justice youth become critically important. Juvenile justice youth are placed out of the home because of the risk they pose to the community and ultimately their own safety. These youth have been assessed at intake for their risk to reoffend, using the twice-validated Iowa Delinquency Assessment Tool, and reassessed at every critical benchmark in their case. By the time youths find themselves placed in care, they have either exhausted every available community service or have come into the system because of delinquencies, which by nature of their seriousness, places the community at risk.

In addition to the substantial changes in available federal funding through the FFPSA legislation and the changes in how, where, and for how long affordable alternative care can be used, other issues that have previously been identified as areas of concern will need to be addressed as this legislation is implemented. This includes the fact that Iowa blends its child welfare, intellectually disabled, and juvenile justice populations in group care.

Iowa's DHS has applied for a delay in the implementation of the FFPSA until July 2020. Several key decisions must be made in the next few months making the timeliness of consultation an important factor.

For over ten years, under the tutelage of researcher Shay Bilchik of the Center for Juvenile Justice Reform at Georgetown University, Iowa has had the opportunity to provide evidence-based community interventions such as Aggression Replacement Training, Functional Family Therapy, the Crossover Youth Project and others based on a youth's level and area of risk. Most recently, Mindy Schweitzer, of the University of Cincinnati, provided training in Effective Practices in Community Supervision, which equips every JCO in the state of Iowa the ability to provide interventions to reduce criminogenic risk and need. In doing this, Iowa has followed best practice research and has made impressive gains increasing community safety while treating the root of the delinquencies as opposed to the presenting behavior. The impact has been confirmed by a steady decline in juvenile justice's use of group foster care and ultimately a marked decrease in the number of 18 to 21 year olds that enter Iowa's adult prison system.

Another significant event which occurred during the last legislative session was the passing of House File 766 which directs the Division of Criminal and Juvenile Justice Planning to convene and provide administrative support to a work group to review and develop a plan to transfer the administration of Graduated Sanctions and Court Ordered Services and funding and oversight of group foster care placements for eligible children from the Department of Human Services to the Office of the State Court Administrator. That plan shall ensure that the Office of The State Court Administor has the capacity, resources, and expertise to manage the funding and services effectively.

The Judicial Branch is currently seeking to hire a Director of Juvenile Court Services. Applications are due by July 8, 2019, at 4:30 PM. The position will be funded out of the Judicial Branch general fund in FY20. Moving forward, the Judicial Branch will also be exploring funding options for possible support staff positions for the Director of Juvenile Court Services.